

**Licensing Sub Committee A - 27 November 2017**

Minutes of the meeting of the Licensing Sub Committee A held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 27 November 2017 at 6.30 pm.

**Present:**           **Councillors:**           Gary Poole (Chair), Rakhia Ismail and Satnam Gill

**Councillor Gary Poole in the Chair**

**194        INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Gary Poole welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

**195        APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor Michelline Ngongo.

**196        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Gill substituted for Councillor Ngongo.

**197        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

**198        ORDER OF BUSINESS (Item A5)**

The order of business would be as the agenda.

**199        MINUTES OF PREVIOUS MEETING (Item A6)**

**RESOLVED**

That the minutes of the meeting held on the 28 September 2017 be confirmed as a correct record and the Chair be authorised to sign them.

**200        HOUSE OF BURGER BEAR, MAGIC ROUNDABOUT, OLD STREET STATION, UNIT 16 ST AGNES WELL, EC1Y 1BE (Item B1)**

The licensing officer reported that the application was for a time limited licence of one year. Planning permission had also been granted for a further year. Noise conditions had been agreed although the representation had not been withdrawn in order that the noise officer could attend and respond to questions if necessary. The licensing team had visited in August and there had been no issues. Parkguard visited regularly and no issues had arisen. The hours were reduced from the previous licence. The representations from objectors were on pages 42 and 70 of the report. It was noted that hours for the sale of alcohol were from 12 noon on Sunday.

The noise officer took sound measurements on the 10 November and these had been found to be well within the maximum levels agreed earlier in the year. The applicant had agreed

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that louder music would be centred in the DJ area whilst the rest of the area would have more ambient music. There had been noise problems in the early months but not recently. The applicant had agreed to a smaller sound system which would be recalibrated with the grant of a new licence and also after six months. The premises had an early evening licence and customers would move on to other venues.

In response to questions it was noted that music would stop at 11pm. There had been no complaints over the summer period. There had been occasions where complaints by residents had been made about noise which had not been caused by Magic Roundabout but by other pop up venues in the station.

The licensee's representative stated that this was a unique space. There was to be no extension of hours or increase in capacity. Live music would be stopped. This had transformed a derelict site and had a positive impact on the area. Most customers were station users. This was a well-managed and supervised business. They had worked closely with the noise team and other responsible authorities. There had been two more recent complaints, one had been on an evening when they had been closed and they had not been the source of the noise for the other complaint. There was to be no more live music. Arrangements had been made for residents of the Bezier building to speak through the concierge or directly to the DPS. The premises closed earlier than many local premises and off licences. There was a high emphasis on their food offer. There were valid reasons for the grant two years ago and this had not changed. There would be no negative impact on the area.

In response to questions it was noted that the capacity of the premises was 499 people. The clientele was young but not exclusively so and the food served encouraged the street food community. The concierge for the Bezier building was considered a buffer for residents who did not want to speak directly to the premises. It was suggested that they could write to residents of the Bezier to remind them of this option. The premises rarely hired space and had zone spaces for about 25/30 people.

In summary the noise officer reported that the premises operated Challenge 25 and was not a place that attracted 18 year olds. It tended to be a meeting place for customers who moved on to other places. The licensee was very excited for the possibility of a further year of operation.

### **RESOLVED**

- 1) That the application for a new premises licence, in respect of Magic Roundabout, Old Street Station, Unit 16 St Agnes Well, EC1Y 1BE, be granted to allow:-
  - a) The supply of alcohol, for consumption on the premises from 12:00 noon until 11pm Monday to Saturday and from 12:00 until 10pm on Sunday.
  - b) Opening hours to be from 9am until 11.30pm Monday to Saturday and from 9am to 10.30pm on Sunday.
  - c) The premises licence would be time limited and will lapse on 1 January 2019.
- 2) That conditions detailed on pages 88-90 of the agenda shall be applied to the licence.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

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The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Bunhill cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

There had been two local resident objections to the application and 23 supporting representations. There had been a representation made by the noise team and conditions had been agreed although the representation was not withdrawn as the noise officer was of the view that her attendance at the hearing could be of assistance.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8.

The Sub-Committee heard evidence that fire issues had been reported at the premises but by the time of a visit in August 2017 all issues had been fully resolved. The Sub-Committee noted that planning permission was in place for a further year and the applicant was seeking a time limited licence for the same period.

The Sub-Committee heard evidence from the noise officer that, at a visit on 10 November, the noise measurements were well within the maximums permitted. The noise officer confirmed conditions had been agreed and that the applicant had agreed that music should be centred in the DJ area with more ambient levels of sound on the periphery. The noise officer confirmed that the premises was operating with a smaller less powerful system which would be recalibrated upon grant of the new licence. The noise officer confirmed that this was an early evening premises and music stops at 11pm. The Sub-Committee heard evidence that the noise team had not had any calls regarding the premises for a long time and that it was the opinion of the noise officer that the applicant had brought the premises under control as far as noise is concerned.

The Sub-Committee heard evidence from the applicant's representative that the applicant had worked very closely with the noise team and had had a meaningful dialogue with all authorities. The applicant's representative confirmed that they were not responsible for all the noise complaints but where the premises had been responsible they had taken steps to eradicate the noise including reducing the size of the sound system and removing the bass. They would also have no more live music. The Sub-Committee noted that the general manager had formed a good relationship with the concierge of the Bezier building and had agreed that any future noise complaints could be made through the concierge or directly to him. The Sub-Committee noted that firm policies were in place regarding fire safety and dispersal.

The Sub-Committee noted that although the premises were in a cumulative impact zone the premises were already operating and the grant of the licence would therefore not add to the cumulative impact. The premises had taken firm steps to deal with noise complaints and no recent complaints had been received by the noise team. The Sub-Committee was satisfied that the premises had displayed high standards of management. The Sub-Committee noted that the licence sought would expire on the 31 December 2018. In the circumstances the Sub-Committee was satisfied that, with the conditions agreed, the granting of the licence would promote the licensing objectives.

The Sub-Committee considered licensing policy 8 in relation to hours and licensing policy 9 and 10 in relation to high standards of management.

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The meeting ended at 7.30 pm

**CHAIR**